

CHAPTER 11
HISTORIC DISTRICTS

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PART 1
GENERAL REGULATIONS

§ 11-101. Legal Authorization. [Ord. 1118-91, 8/12/1991, § 101]

1. In accordance with the provisions of Act 167, P.L. 252, No. 167, entitled: "An Act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition, or razing of buildings within the historic districts," adopted by the General Assembly of the Commonwealth of Pennsylvania and approved by the Governor of the Commonwealth of Pennsylvania on the 13th day of June 1961, and as amended, there is hereby created in the Borough an historic district to be known as the "Gettysburg Historic District."
2. This Part shall be known and may be cited as the "Gettysburg Historic District Ordinance."

§ 11-102. Purposes. [Ord. 1118-91, 8/12/1991, § 102]

1. To safeguard Gettysburg's historic identity as it is represented in structures, streetscapes and sites of historical, architectural and archaeological value within the Historic District.
2. To awaken in residents an interest in Gettysburg's cultural, economic, social, political and architectural history, and consequently an understanding that the appearance of the Historic District is a valuable but fragile resource which must be protected and preserved.
3. To stabilize and improve property values in the Historic District.
4. To strengthen the Borough's economy through recognition that visitors are interested in Gettysburg's historic buildings and streetscapes as a part of the context of the Gettysburg National Military Park.
5. To encourage proper enforcement of the Borough's building, housing and property maintenance codes, particularly as they apply to properties in the Historic District.
6. To discourage demolition and other inappropriate changes to historic structures by providing advice or other assistance for their stabilization, preservation, rehabilitation or restoration so as to perpetuate their usefulness.

7. To ensure that size, scale and design of new construction within the Historic District is in harmony with the old.
8. To discourage excavations which could disturb potentially important archaeological sites.

§ 11-103. Limits of the Historic District. [Ord. 1118-91, 8/12/1991, § 103; as amended by Ord. 1222-99, 4/12/1999, § 1]

1. For purposes of this Part, the Gettysburg Historic District shall consist of the area shown on the attached map, entitled "Borough of Gettysburg Historic District and 1999 District Extensions," prepared by E. W. Christ, Historical Consultant, dated March 22, 1999, plus the list of individual properties hereinafter set forth which are located outside the areas designated on the attached map. The attached map shall be referred to as the "Official Historic District Map" and is incorporated herein by reference.¹
2. Regardless of the existence of purported copies of the Official Historic District Map and List which, from time to time, may be made or published, the Official Historic District Map and Individual Properties List shall be located in the office of the Historic Preservation Officer of the Borough. Such Official Historic District Map shall be the final authority as to the current historic status of buildings and other structures in the Borough.
3. Where uncertainty exists as to the boundaries of the Historic District as shown on the Official Historic District Map, the following rules of construction shall apply:
 - A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
 - B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.
 - D. Where physical or cultural features existing on the ground are at variance with those shown on the Official Historic District Map or in other circumstances not covered by the above, the Borough Council shall interpret the Historic District boundaries.
4. In addition to the area shown on the Official Historic District Map, the following list of individual properties are included in the Gettysburg Historic District and are therefore under the jurisdiction of this Part:

¹Editor's Note: The map is included as an attachment to this chapter.

Assess. Map No.	Parcel Number	Location	Notes	When Built
—	—	159 West Broadway	Doersom-Livers- Clutz House	CA. 1850
—	—	Confederate Avenue (Lutheran Seminary Campus)	"Krauth Residence"	1834
—	—	Confederate Avenue (Lutheran Seminary Campus)	"Old Dorm"	1832
—	—	Confederate Avenue (Lutheran Seminary Campus)	"Schmucker Residence"	1833
9	15	West Confederate Avenue and West Middle Street	"Shultz House"	1831
7	113	402 Hanover Street	General Ewell's Headquarters	Pre-1863
4	68	444 Old Harrisburg Road and Broadway East		Pre-1863
—	—	N. Washington Street (Gettysburg College Campus)	"White House"	1860
—	—	N. Washington Street (Gettysburg College Campus)	"Pennsylvania Hall" or "Old Dorm"	1837

§ 11-104. Definitions. [Ord. 1118-91, 8/12/1991, § 104]

1. Administrative Definitions.

BOROUGH COUNCIL — The governing body of the Borough of Gettysburg.

BOROUGH PLANNING COMMISSION — The agency which advises the Borough Council on planning and planning-related matters.

BUILDING — Any combination of construction materials that forms an enclosed or open structure.

CERTIFICATE OF APPROPRIATENESS — The statement signed by the Borough Secretary certifying the Borough Council's approval of the appropriateness of a particular request for the construction, alteration, stabilization, preservation, rehabilitation, restoration, reconstruction or demolition of all or part of a building within the Historic District and authorizes issuing a building permit for said request.

CODE ENFORCEMENT OFFICER — An officer of the Borough designated by the Borough Council to ensure that applicants follow procedures mandated by this Part and to investigate and enforce compliance with said Part.

DEMOLITION BY NEGLECT — The absence of routine repair that leads to structural weakness, decay and deterioration of a building to a point that causes a need for major repair or may cause a need for demolition. **[Added by Ord. 1409-13, 5/13/2013]**

HISTORIC DISTRICT BUILDING PERMIT — An approval statement signed by the Historic Preservation Officer authorizing the construction, alteration, stabilization, preservation, rehabilitation, restoration, reconstruction or demolition of all or a part of any building in the Historic District.

HISTORIC DISTRICT BUILDING PERMIT APPLICATION — Information about project plans supplied on a standard form to be filed with the Historic Preservation Officer by any person who seeks authorization to construct, alter, stabilize, preserve, rehabilitate, restore, reconstruct or demolish all or part of any building within the Historic District.

2. Project Treatment Definitions.

ALTERATION — Any change, modification or addition to a part of or all of the exterior of any building or structure.

CONSTRUCTION — Any or all work necessary for the erection of any building or structure from a combination of materials that forms a safe and stable structure.

DEMOLITION — The dismantling, tearing down, removal or razing of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building. **[Amended by Ord. 1409-13, 5/13/2013]**

PRESERVATION — The act or process of applying measures to sustain the existing form, style, integrity, and material of a building or structure. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

PROTECTION — The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measures may be temporary or permanent.

RECONSTRUCTION — The act or process of reproduction by new construction of the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

REHABILITATION — The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

RESTORATION — The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

STABILIZATION — The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

3. Definition of Project Categories.

CRITICAL PROJECT — A project involving demolition of all or part of any building, or change of configuration and rhythm of any building as a whole, or any alteration to a sensitive building, as defined in the definition of "sensitive building" in this Subsection 3.

MAJOR PROJECT — A project proposed for a nonsensitive building involving replacement with other than original materials or design of existing building components such as windows, doors, soffits, rain channels, roofs, siding, porches, fencing, shutters, and awnings in a manner that does not change the configuration and rhythm of the building as a whole, and is proposed for a nonsensitive building.

MINOR PROJECT — A project that does not result in a change in appearance of a building, such as replacing deteriorated wood with identical wooden pieces.

SENSITIVE BUILDING — Any building that has been standing for at least 50 years at the time of application, even though it has been considerably modified, and certain sites of later historic significance or buildings that the Board has determined to be exemplary of later architectural styles. Other buildings in the Historic District are considered nonsensitive.

4. Definitions Pertaining to Signs.

ANIMATED SIGN — A sign with action or motion, flashing lights or color changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind-actuated elements such as flags, banners or pennants.

BUSINESS SIGN — A sign which announces or directs attention to a business, product, service or activity sold or conducted on the premises where such sign is located.

ILLUMINATED SIGN — A sign incorporating a source of light in order to make the message readable. Included are internally and externally lighted signs.

MINOR SIGN CHANGE — A change in wording of a sign that does not affect color, style of lettering, symbols, shape, size, lighting or suspension; or relocation of a sign that will not affect the historical character of a building or streetscape, as determined by the Code Enforcement Officer.

REVIEWABLE SIGN — Any new sign, or proposed change to an existing sign affecting color, style of lettering, symbols, shape, size, lighting or suspension; or relocation of a sign that the Code Enforcement Officer has determined might affect the historic character of a building or streetscape.

SIGN — A lettered board, structure or other surface, or any other device, used to visually announce, advertise or convey information to the public for any purpose.

TEMPORARY SIGN — A sign conveying information of current and temporary interest.

§ 11-105. Composition of the Historic Architectural Review Board. [Ord. 1118-91, 8/12/1991, § 105; as amended by Ord. 1230-99, 8/9/1999, § 1]

The Historic-Architectural Review Board is hereby established, to be composed of seven members appointed by Borough Council. If possible, appointees should be residents of the Borough; only if well-qualified residents cannot be located should nonresidents be appointed. The Council may give favorable consideration to nonresidents who own property in the Borough. The membership of the Board shall be as follows:

- A. Four members shall be persons with knowledge of, and interest in, matters pertaining to preservation of the Historic District, such as historic architecture, history and, in particular, local history, archaeology, or techniques of building preservation; one shall be a registered architect; one shall be a licensed real estate broker; and one shall be the Borough Code Enforcement Officer/Building Inspector.
- B. Board members shall serve for a term of five years. The terms of the members shall be fixed so that no more than two members whose terms have expired shall be replaced or reappointed during any one calendar year. The position of any member of the Board appointed in the capacity of registered architect, licensed real estate broker or Code Enforcement Officer, should the member cease to be engaged, shall be considered vacant. An appointment to

fill a vacancy shall be only for an unexpired portion of the term. There shall be no limit as to the number of terms that Board members may serve.

§ 11-106. Powers and Duties of the Board. [Ord. 1118-91, 8/12/1991, § 106]

1. The Board shall give recommendations to the Gettysburg Borough Council regarding the advisability of issuing any certificates of appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended, and this Part. For this purpose, the Board should devise written rules and regulations for its own organization and procedures, consistent with this Part and the laws of the commonwealth. A majority of the Board shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of a majority (four members) of the Board. Board members are required to disqualify themselves from voting on any project in which their own financial interests or those of their immediate families are directly or indirectly involved.
2. The Board shall furnish the Borough Council with minutes of its meeting each month at least five days before the Council's regular meeting and shall submit an annual summary report of Board transactions. The Board may request approval from the Borough Council to employ secretarial or other staff, their salaries and wages to be paid by the Borough Treasurer, and to incur other necessary expenses.

§ 11-107. Additional Powers and Duties of the Board. [Ord. 1118-91, 8/12/1991, § 107]

The Board shall have, in addition to the aforementioned powers and duties, the following powers and duties, which may be delegated, with concurrence of the Borough Council, to other boards or commissions appointed by Council or to individuals or committees recruited by this Board. Work done by Board-recruited entities should be reviewed by the Board before it takes any action on such work.

- A. To conduct a survey of buildings within the Borough for the purpose of determining those of historic and/or architectural significance and pertinent facts about them, and to permanently maintain and periodically revise the detailed listing of historic sites and buildings and data about them, appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise.
- B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- C. To prepare a list, that should be updated as needed, or at least annually, of buildings built in the last 50 years that are exemplary of various architectural styles and/or that are sites of later historic significance.
- D. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic, architectural, and

- archaeological sites and buildings and to formulate proposals for the installation and care of such historic markers.
- E. To formulate recommendations concerning the preparation and publication of maps, brochures, and descriptive material about the Borough's historic, architectural, and archaeological sites and buildings.
 - F. To cooperate with and advise the Borough Council, the Borough Planning Commission, and other Borough agencies in matters involving historically, architecturally, and archaeologically significant sites and buildings, (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).
 - G. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, the Pennsylvania Historical and Museum Commission and other agencies, public and private, from time to time concerned with historic buildings and sites and buildings.
 - H. To advise owners of historic buildings and sites on issues of preservation.
 - I. To advise applicants and citizens on eligibility requirements for rehabilitation tax credit certification.
 - J. To provide information on interior preservation to those who request it.
 - K. To identify persons with expertise whom it may call upon to provide special information and advice.
 - L. To promote public interest in the purposes of this Part by carrying on a public relations program.

§ 11-108. Duties and Responsibilities of the Code Enforcement Officer, Staff or Members of the Board. [Ord. 1118-91, 8/12/1991, § 108]

- 1. Responsibilities of the Code Enforcement Officer.
 - A. The Code Enforcement Officer shall receive applications for projects involving signs or alterations to Historic District buildings and determine the category under which the project falls. He/she may approve without referring to the Board any application for a minor sign change or minor project.
 - B. For all other applications, he/she shall give written notification to the applicant of the date, time and place of the Board meeting at which the application will be considered. This notification shall be made by filling in the information on a form, in duplicate, including dated signatures of the Code Enforcement Officer and the applicant, one copy to be given to the applicant and one to be kept by the Code Enforcement Officer. In addition, the form shall include a

recommendation that approval is likely to be facilitated by appearance of the applicant or a designated representative at the Board meeting for the reason that questions may thus be promptly resolved. If the Code Enforcement Officer is unavailable when an application is submitted, other members of the Borough office staff shall be authorized to supply and sign this notification.

- C. After determining the category of a project, he/she shall advise applicants on materials needed for the Board's deliberations in that category, request additional copies if appropriate, inspect applications for completeness, and supply completed applications at Board meetings. Applications should be assembled at least five days before the next Board meeting and should be available for examination by Board members in the interim. Project categories and required materials are as follows:
 - (1) Application for a minor project must include a description of work to be done and one or more color photographs of sufficient quality to show the building as a whole and details of the part or parts to be repaired.
 - (2) Application for a major or critical project must include a narrative description and drawings to scale of the proposed work, quality color photographs of the building in all relevant perspectives, a plot plan, the name of the contractor, if known, and the estimated cost.
- D. The Code Enforcement Officer shall be responsible for preparing a meeting agenda to be mailed to Board members at least five days before each meeting. The agenda shall include a list of projects and signs to be considered, stating for each the applicant's name, the address of the building or sign, the name of the business in the case of signs, the project category, and a description of the proposed alterations or sign.
- E. The Code Enforcement Officer shall not issue a building or sign permit for any project, except a minor sign change or minor project, until the Borough Council has issued a certificate of appropriateness.
- F. Prior to each Board meeting, the Code Enforcement Officer shall inspect all sites for which he/she has issued permits for minor projects, minor sign changes, and reviewable signs since the previous Board meeting and shall submit to the Board a written certification of compliance in the case of completed work. If work is not complete, he/she shall continue monthly inspections until it is.
- G. He/she shall monitor progress of any major or critical project or erection of a reviewable sign by making visits to the site. If he/she finds noncompliance with the terms of the building or sign permit,

he/she shall immediately notify the Chair or other designated Board or staff member and notify the applicant, issuing a stop-work order until agreement is reached on correcting the problem.

- H. He/she shall maintain in his/her office, available for public inspection, a record of applications and of his handling, inspections and final disposition of the same, which shall be in addition to, and appropriately cross-referenced with, his other records.
2. Other Responsibilities. The following responsibilities may be assigned by the Board to an additional staff member, a Board member, or to the Code Enforcement Officer.
- A. To keep indexed files containing historical and architectural information on buildings and neighborhoods in the Historic District.
 - B. To assemble information on architectural styles and techniques of preservation for use by Board members, applicants and other interested people. This includes devising an indexing system and a loan system.
 - C. To consult with applicants before or after submission of their applications, informing them of appropriate preservation techniques and of conditions stated in this Part. He/she shall present to the applicant whatever historical information about the building is on file and may supply him/her with a copy of the documentation. However, he/she shall refrain from giving predictions about the Board's decision on the project.
 - D. To educate the public, including specialized sectors such as real estate agents or building contractors, on matters pertaining to the Historic District through informational meetings, displays, and dissemination of written materials.
 - E. To promote continuing education of Board members by supplying pertinent publications and facilitating their attendance at meetings and seminars.
 - F. To recruit members of the public for work furthering any of the goals listed among powers and duties in § 11-107 of this Part.
 - G. To inform the Board of available grants and apply for them after obtaining concurrence of the Board and Borough Council.
 - H. To inform new property owners in the Historic District of regulations regarding the district and, when an expansion of the Historic District becomes effective, to so inform all residents in any added section.

- I. Preliminary to each meeting of the Board, to assemble available historical data on each building for which an application has been filed.

§ 11-109. Meetings of the Historic Architectural Review Board. [Ord. 1118-91, 8/12/1991, § 109]

1. The Board shall meet publicly at least once each month at regularly scheduled and advertised meetings. The Board may hold additional meetings, which must be advertised, in order to carry out the responsibilities indicated in §§ 11-107 and 11-108 of this Part.
2. On considering applications for all projects, including signs, the Board shall begin by briefly stating the architectural style of the building and noting its distinctive features, including the degree of architectural integrity it possesses. When appropriate, information about neighboring buildings or streetscape may be included. The Board shall present to the applicant whatever newly obtained historical information it has about the building and may supply him/her with a copy of the documentation. These statements and presentations shall be done in a manner to awaken applicants' interest in their buildings.
3. The Board shall invite applicants or their representatives to explain their projects and their reasons for applying and may question them in regard to details. The Board may invite other persons with appropriate expertise to attend its meetings to observe or advise.

§ 11-110. Matters to be Considered by the Board in Reviewing Applications. [Ord. 1118-91, 8/12/1991, § 110]

1. Alterations that can be seen from a public street, alley or other public space are to be considered essential in determining the recommendations to be presented to the Borough Council concerning the issuing of a certificate of appropriateness for an application. In making its determinations, the Board shall consider the following matters:
 - A. The effect of the proposed change upon the general historic and architectural nature of the district.
 - B. The effect of the proposed change upon the overall appearance of the street on which it is located, including continuity of the building line.
 - C. The following architectural features of the building and/or site under consideration along with the compatibility with those of neighboring buildings shall be taken into account:
 - (1) Modifications to its architectural style that have been made over time. In consultation with the applicant, a decision should be made whether a return to its original style is appropriate or

whether style or characteristics that the building possessed at some later period should be preferred.

- (2) Appropriate proportions in the height and width of facades and of the doors and windows therein.
- (3) Rhythm of spacing of buildings on the street, including placement of windows or doors on exposed side elevations, which helps to achieve the appearance of an intact line of buildings and uniformity in their relationship to the street.
- (4) Historic authenticity of entrance and/or porch projections and rhythm of such elements on the street as a whole.
- (5) Compatibility of textures of building materials as combined on the building and in relation to textures of neighboring buildings.
- (6) Historic authenticity and/or compatibility of architectural details, including, but not limited to, siding, arches, balustrades, brackets, cornices, cupolas, doors, ironwork, lintels, quoins, shutters, storm windows, window design, etc., in relation to the structure under consideration and to adjacent ones.
- (7) Compatibility of roof shapes on parts of the building under consideration and in relation to neighboring buildings.
- (8) The importance of fences and walls to the cohesiveness of the building line, and historic appropriateness of the materials from which these are made, such as brick or stone walls, wrought-iron or wooden picket or plank fencing. The function of fences and walls in concealing parking spaces from street view may also be considered.
- (9) Location of air-conditioner, ventilation and heating systems and broadcast reception devices, so as to be as inconspicuous as possible. Applicants shall be encouraged to remove nonfunctional reception devices.
- (10) Scale of buildings and architectural detail as relates to human size, bearing in mind that the streets of the Historic District were developed at a time when walking was the primary means of moving about and buildings were intended to be viewed from this perspective.
- (11) In addition, the Board may offer advice on colors, paving materials or living landscaping features, but approval may not be denied on these grounds. Such advice might include discussion of historically authentic paint colors along with

compatibility of color combinations on the building and in relation to colors of neighboring buildings and placement of screening hedges or appropriateness of paving materials with use of brick for public walkways and brick, cobblestone or flagstone for walkways within yards and pebblestone for driveways and parking spaces encouraged in preference to concrete or asphalt.

- D. The effect of the proposed change upon the future condition of the building and possibility of restoration in the future.
 - (1) The removal, alteration or covering of any historic material or distinctive architectural features should be avoided when possible. If any such items are removed, they shall be properly recorded and, if possible, stored for future study or reuse. If historic material is covered, precautions should be taken that such features not be damaged.
 - (2) Whenever possible, additions or alterations to buildings shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
 - (3) The surface cleaning of masonry shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken. When brick has been painted in the past, repainting rather than paint removal shall be recommended.
 - E. Contemporary design for additions to existing buildings that differentiate between old and new parts shall not be discouraged when such additions do not destroy significant historic, architectural or cultural material and such design is compatible with the size, scale, color, material, aesthetics and character of the building.
 - F. Contemporary design for new buildings shall be encouraged, provided the design is compatible with existing neighboring structures in scale, size, color, building materials and other considerations listed in Subsection 1C of this section.
2. The height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height

taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

3. Demolition.

A. Application Requirements.

- (1) An individual or entity proposing to raze or demolish a building in the Historic District shall first submit a written application, in a form provided by the Borough, which shall contain the following information:
 - (a) The name, address and telephone number of the applicant (and such information for the owner if not the applicant).
 - (b) The address of the building to be razed or demolished.
 - (c) The date and manner in which the current owner acquired the property.
 - (d) The proposed use of the property following the proposed demolition of the building.
 - (e) Photographs of the building or part thereof proposed for demolition.
 - (f) Photographic evidence and a written description of the deteriorated condition of the building.
 - (g) The reason or reasons for the proposed demolition.
 - (h) An explanation as to why rehabilitation, reuse, plan alteration, or stabilization with the intent to market and sell the property is not feasible or desirable.
 - (i) A statement on the proposed disposition of architectural features/building materials.
- (2) The Borough Planning Department shall prepare a report to the Board that includes: the maintenance of the building by the applicant/owner since it was acquired; whether the applicant/owner has neglected maintenance to destroy the building's historic integrity or its structural integrity; whether the applicant/owner has removed architectural fixtures from the exterior of the structure or otherwise damaged the property; and any previous or current code enforcement citations.

- (3) An application involving demolition of a sensitive building, as defined in this Part, shall not be deemed complete or be considered by the Board unless the following information is also submitted for review and consideration:
- (a) An appraisal report relative to the fair market value of the subject property obtained by the applicant/owner for the purpose of obtaining financing or for other purposes.
 - (b) A report by a registered professional engineer, with experience in structural engineering, setting forth an opinion of the structural integrity of the building to be razed or demolished and any other useful information. The payment of costs of such report shall be the responsibility of the applicant/owner. The Borough shall forward the report to an independent registered professional engineer for review and recommendation to the Board.
 - (c) Two written cost proposals from qualified contractors to determine both the cost of the repairs required to bring the building into conformity with all applicable codes and the cost to demolish the building.
 - (d) A site plan, prepared by a registered design professional, showing the property boundaries and the location of all buildings, utilities, rights-of-way, easements, entrances, and/or exits on said property as well as a site plan showing new structures, utilities, rights-of-way, easements, entrances, and/or exits.
 - (e) A list of bona fide offers for sale or lease of said property and, if the property is for sale, a copy of the contract listing the sales agreement.
 - (f) At its discretion, the Board may request that a study be completed and a report of such study be prepared by an architect or planner with a background in historical preservation. The study shall address the relationship of the building proposed to be demolished to the Historic District, as well as the impact the demolition of the building and site development will have on the immediate block or area where it is located. The cost and review of such study shall be the responsibility of and shall be paid for by the applicant/owner.

B. Criteria.

- (1) In making a recommendation to the Borough Council regarding the issuance of a certificate of appropriateness where a permit is sought for demolition of a building within the Historic District, the Board shall consider the following criteria:
 - (a) Whether the building under consideration for demolition contributes to the character of the Historic District or if the building has significant historic character.
- (2) In requesting the issuance of a certificate of appropriateness for demolition, the applicant/owner shall provide credible evidence that the following conditions exist:
 - (a) The existing building cannot feasibly and reasonably be reused or is structurally unsound, and that its condition is not the result of the intentional neglect or the demolition by neglect by the applicant/owner.
 - (b) The denial of the demolition would result in unreasonable economic hardship to the owner, based on the following criteria:
 - [1] The applicant/owner has demonstrated that the condition of the building constitutes a serious and immediate threat to the safety of the public or occupants, that cannot be eliminated without repairs required to meet specified safety code standards, that would exceed 50% of the appraised value of the structure itself documented in § 11-110, Subsection 3A(3)(a) and (c).
 - [2] The applicant/owner has demonstrated that there would be no reasonable long-term economic benefit from the preservation of the building. In making a claim of unreasonable economic hardship in § 11-110, Subsection 3C, all potential uses for the building shall be thoroughly examined and addressed in the application. When a claim of unreasonable economic hardship is being made in reference to a proposed demolition pursuant to this Part, the owner/applicant shall present evidence sufficient to prove that, as a result of denial of a demolition permit, the owner/applicant is unable to obtain a reasonable return or a reasonable beneficial use from the property. The owner/applicant of record shall submit by affidavit to the Board all the information set in § 11-110, Subsection 3C. An assertion that the owner/applicant can achieve a

greater economic return by demolishing the building or that the owner lacks adequate funds to pursue potential uses or adaptive reuses is considered to be insufficient to sustain a claim of unreasonable economic hardship.

- (c) The demolition is necessary to allow a project to occur that will have substantial public benefit which outweighs the loss of the building, and the proposed project must occur at that specific site.
 - (d) The demolition will result in a new building that will be an improvement to the character of the Historic District, considering the architectural design proposed for the new building.
 - (e) The building proposed for demolition does not contribute to the character of the Historic District.
- (3) When the Board deems a proposed demolition undesirable, it may recommend that the demolition be postponed for a period not to exceed nine months for the consideration of the application by the Borough Council. During this period, so as to render demolition unnecessary, the Board and Borough Planning Department shall make all reasonable efforts in identifying alternatives to demolition or resolving problems that resulted in the request for the proposed demolition.
- (4) In the case where the Board recommends and the Borough Council approves demolition of a building, a good-faith effort shall be made by the owner/applicant to move the building to a nearby site. If moving a building slated to be demolished is economically or practically infeasible, best efforts shall be made to salvage architectural features of the building for use within the Borough.

C. Unreasonable Economic Hardship.

- (1) When a claim of unreasonable economic hardship is made pursuant to this Part, the owner/applicant must present credible evidence that, if the issuance of a certificate of appropriateness is denied, the owner/applicant will be unable to obtain a reasonable return from or a reasonable beneficial use of the property. The owner/applicant shall submit by affidavit to the Board the relevant information outlined below, which shall include, but not be limited to, the following:
- (a) The date the property was acquired by its current owner.

- (b) The price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and seller of the property.
 - (c) The form of ownership or operation of the property, whether sole proprietorship, partnership, for-profit or nonprofit corporation, limited liability company, limited partnership, joint venture or other.
 - (d) The mortgage history of the property, including the current mortgage and the annual debt service, if any, for the previous two years.
 - (e) The current market value of the property.
 - (f) The owner's equity in the property.
 - (g) An income and expense statement for the current year and for the past two years.
 - (h) The capital expenditures made for the benefit of the property during its ownership by the current owner.
 - (i) Any appraisals of the property obtained within the previous two years.
 - (j) The income and property tax factors affecting the property.
 - (k) All studies commissioned by the applicant/owner as to the profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
 - (l) Estimate(s) of the cost of the proposed demolition and estimate(s) of any additional cost(s) that would be incurred in order to comply with the recommendations of the Board for changes or conditions necessary for the Board's recommendation to the Borough Council for the approval of a certificate of appropriateness.
- (2) The Board may require that an applicant/owner furnish additional information relevant to its determination of unreasonable economic hardship.
 - (3) Should the Board determine that the present economic return of the applicant/owner is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable economic return and whether such a return could be obtained through investment in the property for

rehabilitation purposes. The Board may choose to recommend that special local, state or federal economic and tax incentives be developed to assist the applicant/owner of the property in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

- (4) The Board may seek the assistance of appropriate local, statewide or national preservation organizations and/or economic development agencies for solutions or funding, which may relieve the economic hardship of the applicant/owner. If the Board chooses to explore such options, the Board may delay its recommendation for the issuance of a certificate of appropriateness for demolition based on economic hardship for a period of up to 90 days in addition to any other applicable time periods for approval of the project.
- (5) Should the applicant/owner satisfy the Board that an unreasonable economic hardship will result if a certificate of appropriateness is not approved for demolition, and should the Board be unable to develop with the Borough or appropriate local, statewide and national preservation organization and/or economic development agencies a solution which can relieve the economic hardship of the applicant/owner, the Board shall recommend the approval and the issuance of a certificate of appropriateness for demolition.

D. Issuance of Certificate of Appropriateness Permit for Demolition.

- (1) Prior to the issuance of any permit for the demolition of a building or structure in the Historic District, the applicant/owner shall have obtained all necessary approvals and permits associated with the project, which shall include, but not be limited to, zoning approvals or permits; subdivision and land development approval; any Commonwealth of Pennsylvania approvals, to include, but not limited to, Department of Transportation and Department of Labor and Industry approvals; any Gettysburg Municipal Authority approvals and the issuance of water and sewer connection/disconnection permits; and the issuance of building permits for the construction of new buildings.
- (2) Prior to the issuance of any permit for the demolition of a building in an Historic District, the applicant/owner shall provide financial security in the form of cash, certified funds, or an irrevocable letter of credit for the cost of constructing the proposed new improvements, including any buildings. The applicant/owner shall enter into an agreement with the Borough authorizing said financial security and providing for

completion of the improvements within 12 months from the date of issuance of the permits.

- (3) No demolition may occur until all permits necessary for the project, as well as licenses, zoning or land use permits, or other necessary documents or approvals, have been obtained or met and the agreement set forth in § 11-110, Subsection 3D(2) above, has been executed by all parties.
- (4) Vacant structures in the Historic District shall be properly and adequately secured against the elements and vandalism to prevent deterioration, and the exterior of the property shall be maintained in accordance with all applicable ordinances of the Borough.
- (5) The Borough shall have the authority to issue a permit for the demolition of a building in the Historic District when, in the opinion of a registered professional engineer with experience in structural engineering, such building represents an immediate and present danger to the life or property of any residents or visitors of the Borough.
- (6) A permit for demolition without compliance with this Part may be issued if the Borough's Building Inspector certifies in writing that the building represents an immediate and present danger to public health, safety and welfare and that no other reasonable alternatives exist other than demolition.

E. Demolition by Neglect.

- (1) All buildings within the Historic District shall be maintained in good repair, structurally sound and reasonably protected against decay and deterioration, pursuant to the Borough Property Maintenance Code. Examples of such deterioration include:
 - (a) Deterioration of exterior walls and other vertical supports.
 - (b) Deterioration of roofs or other horizontal members.
 - (c) Deterioration of exterior chimneys.
 - (d) Deterioration or crumbling of exterior stucco or mortar.
 - (e) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.

- (f) Deterioration of any feature so as to create a hazardous condition that could lead to the claims that demolition is necessary for the public safety.
 - (2) Any unresolved notices of ordinance violations issued to the property owner may be considered in a determination of demolition by neglect.
- 4. In cases where applications include substantial excavation under or adjacent to an existing building or to an area of the lot previously undisturbed, thus creating the potential to disturb or destroy archaeologically important cultural resources, the Board shall, where deemed necessary, recommend to the Borough Council that the proposed excavation be postponed for at least 30 days from the date of the Borough Council's decision. During this period, the Board or members of its staff shall consult with a State Historic Preservation Office qualified archaeologist to advise and assist the Board on an appropriate course of action that will mitigate the potential damage to the archaeological resource. In instances where the archaeological resource appears substantial, the Board may seek technical and financial assistance from the Pennsylvania Historical and Museum Commission and/or other preservation organizations to conduct a Phase I and/or Phase II archaeological investigation of the site. In this instance, the Board may recommend to the Borough Council that the application be delayed for a period not to exceed 75 days from the date of the Borough Council's decision. If this is the case, the Board will make every effort to work closely with the applicant to minimize the inconvenience and delays this may cause.

§ 11-111. Signs. [Ord. 1118-91, 8/12/1991, § 111]

- 1. Procedures.
 - A. No sign or permanent external advertising display of any kind or for any purpose shall be erected or altered in the Historic District until an application for a permit to make such erection or alteration has been reviewed by the Historic Architectural Review Board, a certificate of appropriateness issued and a sign permit granted, except that the Code Enforcement Officer may issue permits for minor sign changes as defined in § 11-104, Subsection 4D, without referral to the full Board. However, he/she shall keep records of any permits issued for minor sign changes and shall report these to the Board at its next meeting for inclusion in the minutes.
 - B. No sign or permanent external advertising display of any kind shall be erected, altered or used in the Historic District except for advertising informing the public of a service, business, occupation or profession carried on in or about the property on which such sign or permanent external advertising display appears.
- 2. Standards.

- A. In considering appropriateness of proposed signs, the Board shall take the following into account: appropriateness to the architectural style and period of the building at which it will be located, material composition, shape, colors, overall design, type of lettering, illustrative material or logo, spacing, lighting, suspension, accuracy of statements on the sign pertaining to historical or architectural matters, and compatibility of these factors with other signs in the Historic District. In addition, the Board may advise on matters of grammar, spelling and punctuation, but approval may not be denied on these grounds.
 - B. No animated, revolving, or moving signs shall be permitted.
 - C. Illumination of any sign shall be indirect, fully shielded, or otherwise arranged so that illumination of the sign, rather than the source of light, is visible from the public right-of-way. Internally lighted signs are prohibited.
 - D. No freestanding sign shall be more than nine feet high.
 - E. Projecting signs extending more than two feet over any public walk or right-of-way shall be at least eight feet above the walk grade and at least 14 feet above any vehicular right-of-way.
 - F. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of its position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
 - G. No sign shall be located so as to prevent or hinder free ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape.
 - H. No sign shall be attached to, or placed on, any public utility pole or tree located within any public right-of-way.
 - I. Should the Code Enforcement Officer deem the design of a temporary sign inappropriate for placement in the Historic District, he/she may refer the matter to the Board for review and recommendation to the Borough Council. A time limit for a temporary sign may be recommended by the Board.
 - J. All other requirements of any Borough sign ordinance must be adhered to, except that projecting signs in the Historic District, regardless of area, may be made of combustible materials so long as they are not illuminated from the inside.
3. Historic Markers. Historic markers must be reviewed for approval by the Board. Such markers shall not be considered as signs, but rather must

conform to uniform requirements established for historic markers by the Board.

§ 11-112. Application for Review Procedure. [Ord. 1118-91, 8/12/1991, § 112]

1. The Board shall render a decision on any application for a building or sign permit under its review no later than one month after the hearing/meeting provided for in § 11-109 of this Part, provided that sufficient information to render an informed decision has been supplied by the applicant or otherwise made available. After a waiting period of five days, the Board shall submit, in writing, to the Borough Council recommendations concerning the issuance of a certificate of appropriateness. In no instance shall the Board take longer than 10 days to notify the Borough Council of its decision.
2. At least five days before the Borough Council meeting at which the Board's recommendation concerning an application will be considered, the applicant must be supplied with written notice of the date, time and place of the Council meeting.
3. If the Board decides to advise against the granting of a certificate of appropriateness for all or part of an application, it shall indicate to the applicant, in writing, the changes in plans and specifications, if any, which, in the opinion of the Board, would protect the distinctive historical character of the district. If the applicant decides to make the specified changes, he/she shall so notify the Board, in writing, within five days following the rendering of its decision. The Board, in turn, shall advise the Borough Council accordingly. If the applicant is unable to make the decision in the time allowed, he/she may submit an application with the specified changes for consideration at a subsequent Board meeting.

§ 11-113. Written Report to Borough Council Concerning Certificate of Appropriateness. [Ord. 1118-91, 8/12/1991, § 113]

The written report to the Borough Council, which may be the minutes of the Board's meeting, concerning the Board's recommendations on the issuance of a certificate of appropriateness shall set out the following matters:

- A. The name of the applicant and the address or location of the area in which the work is to be done. In the case of signs, the name of the business shall be stated.
- B. A brief statement of the building's architectural style, outstanding architectural features, period or date of erection, if known, and current degree of modification.
- C. A description of the proposed exterior changes or the exterior characteristics of the structure to be erected. When the Board deems appropriate, as in the case of new buildings or extensive changes to sensitive buildings, drawings, photographs or other illustrative material may be presented.

- D. A statement of factors from § 11-110 or 11-111 that the Board considered to be relevant in rendering its decision.
- E. A summary of the Board's deliberations, including any dissent, as to the appropriateness of the work proposed as it will preserve or diminish the historic character of the district.
- F. The specific recommendations of the Board as to the issuance by the Borough Council or its refusal to issue a certificate of appropriateness.

§ 11-114. Actions of Borough Council Concerning Applications for Certificate of Appropriateness. [Ord. 1118-91, 8/12/1991, § 114]

1. Upon receipt of the written report from the Board as provided in § 11-113 of this Part, the Borough Council shall consider at the next regularly scheduled or special meeting the question of issuing to the Code Enforcement Officer a certificate of appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Code Enforcement Officer of the time and place of the meeting at which his/her application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the said application. In determining whether or not to certify to the appropriateness of the proposal, the Borough Council shall consider the same factors that the Board is authorized to consider, which are set forth in §§ 11-110 and 11-111 of this Part, and shall give weight to the Board's recommendations.
2. If the Council approves the application, it shall issue its certificate of appropriateness authorizing the Code Enforcement Officer to issue a permit for the work covered. Appended to the permit shall be a statement, including drawings or other appropriate materials, specifying what is being authorized. The Code Enforcement Officer shall keep a copy of this statement in his/her files.
3. If the Borough Council disapproves all or part of any application, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the historical character of the district.
4. The Borough Council must notify the Board of all actions it takes on the Board's recommendations.

§ 11-115. Disapproval of an Application for a Building Permit by the Code Enforcement Officer. [Ord. 1118-91, 8/12/1991, § 115]

Upon receipt of a written disapproval of the Borough Council, the Code Enforcement Officer shall disapprove the application for a sign or building permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law.

§ 11-116. Enforcement. [Ord. 1118-91, 8/12/1991, § 116]

The Code Enforcement Officer shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Part.

§ 11-117. Penalties. [Ord. 1118-91, 8/12/1991, § 117; as amended by Ord. 1236-99, 12/13/1999, § 2]

For any and every violation of the provisions of this Part, the owner, general agent, or contractor of a building or structure where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire structure where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee, or tenant of any part of a building or structure in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor, or any person who knowingly commits, takes part, or assists in any such violation, shall be liable, on conviction thereof, to a fine or penalty not exceeding \$600 for each and every offense. Whenever such person shall have been officially notified by the Code Enforcement Officer or by service of a summons in a prosecution, or in any other official manner, that he/she is committing a violation of this Part, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines and penalties shall be in addition to any other fines, penalties and remedies provided by law for such cases and shall be collected in the same manner as is provided in the Borough Code.

§ 11-118. Conflict with Other Laws. [Ord. 1118-91, 8/12/1991, § 118]

Should any provision set forth in this Part be found to conflict with any law of the United States or of the Commonwealth of Pennsylvania, such federal and/or state laws shall govern, and this Part shall be construed accordingly. Such conflict shall not affect the validity of this Part.

